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10/092,883

03/08/2002

Jeremy Craig Wilson

18433 (H27180)

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HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

EXAMINER

SETH, MANAV

ART UNIT

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2624

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/092,883 | Applicant(s) WILSON ET AL. | |
| | Examiner Manav Seth | Art Unit 2624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/082002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/28/2003, 07/30/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 39-41 and 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Haas et al., WO 99/36836, 22 July 1999.

Regarding claim 39, claim 39 recites “recording a digital image of a person and an identity badge with a camera”. Haas reference is directed to controlling access to a secure area by an automated system in which the badge along with the person bearing the badge is imaged using a camera system (page 11, 1st and 2nd paragraphs) and the images are further sent to element 26 (figure 1) for further analysis for proper identification of the person with respect to the badge. Since the system being the automated system, the system inherently has to be trained in advance with all the information for what it is required to do, for example., for identification purposes comparing the input data fed to the system with the stored information in order to provide the proper identification Haas discloses “The CCTV can incorporate images and characteristics of the person wearing the identification badge as a biometric identifier along with the badge identifier, e.g., number” (page 11, 1st paragraph) and further discloses the CCTV system in 1st and 2nd paragraphs of page 10 and figure 1. Haas further discloses transmitting said digital image to a computer (figure 1, page 10, 1st paragraph - computer being the element 26 (the imaging system)). Haas further discloses

retrieving identity information and access control information from a database based on symbols on said identity badge (page 9, last paragraph), comparing said identity information with said person in digital image and allowing access when a positive result arises from said comparison step (page 10 and page 11- where the retrieving and comparing of the information is inherently required for analysis and are present in the system provided by Haas for identification purposes, which would be impossible otherwise).

Claim 40 recites "wherein said comparison step is performed by a human operator". Haas, as cited in rejection of claim 39, teaches an automated system and as for the argument sake, automation always comes after manual work. Automation is an additional step to a manual work and in order to provide a automated system, manual work is required.

Regarding claim 41, Haas discloses comparison step is based on face verification (page 11, 1st paragraph – face characteristics)

Claims 43-44 have been similarly analyzed and rejected as per claims 39-41.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the

Art Unit: 2624

subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-38, 42 and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haas et al., WO 99/36836, 22 July 1999.

Regarding claims 42 and 45, these claims recite "wherein said comparison step is based on voice verification". As discussed in the rejection of claim 39, Haas discloses "The CCTV can incorporate images and characteristics of the person wearing the identification badge as a biometric identifier along with the badge identifier, e.g., number" (page 11, 1st paragraph). Haas clearly discloses use of person's characteristics along with the badge identifier but do not expressly teach using voice as one of the person's characteristics to identify the authorized person. However, examiner here asserts that using voice as one of the person's characteristic's in the field/art of security and authorization purposes is very well known and examiner here takes official notice (Official Notice Taken) of this well known teaching. Therefore, it would have been obvious for one of ordinary skill in the art at the time of invention was made to add voice verification/comparison to the method or teachings of Haas because it would further add more reliability and robustness to the Haas system by adding more verification steps which would result in more accurate identification of the person trying to access the secured area, since every person has it's own voice characteristics and thus providing better authenticity.

Regarding claims 1 and 16-18, these claims limitations have been similarly analyzed and rejected as per claim 39. In Haas, the computer network being the connection between the devices as shown in figure 1 and Haas as discussed in the rejection of claim 39 provides an imaging system 26 which being an integrated system which further performs analysis on the digital images of badge

Art Unit: 2624

and the person. In first line of page 7, Haas discloses each person with its own badge, therefore multiple badges are linked to the system. Claim 1 recites system elements that are used to perform the method as recited in claim 39 and claim 1 defines each of these elements separately in each limitation. Haas do not expressly teach all the elements separately but define one integrated system 26 to perform access controlling. However, as per MPEP 2144.04, which clearly states that a “claimed device or system being portable, movable, integral or separable is not sufficient by itself to distinguish over an otherwise old device unless there are new or unexpected results” and “making it integral or separable would be an obvious design choice”, and applicant itself in claims 16-18 has claimed that these claim 1 elements can be integrated into one device. Therefore, these claims stand rejected as per the arguments provided above.

Regarding claims 2 and 3, Haas discloses said symbols are bar codes and are color-coded (page 7, 3rd paragraph; page 11. 3rd paragraph – dark and light areas being the color coding).

Regarding claim 4, claim 4 recites “wherein access to said secure area is controlled by an electronic door lock which receives control messages from said access control computer over said computer network”. Haas in last paragraph of page 10 discloses that the system will only interrupt the passage/ access when there is something wrong the identification process, which provides the clear evidence that the passage is automatically controlled.

Regarding claims 5-7, these claims recite an audio system which allows 2-way audio conversation between the person under the camera and the person near the access computer system (such a person being the possible security officer). Haas invention is an advanced automated system

Art Unit: 2624

which is further directed to provide automatic access control system, thus avoiding any manual intervention. However, in the last paragraph of page 10, Haas does describe a possible intervention by the security officer upon failed identification of the Badge and its contents. But Haas does not expressly teach the 1 or 2-way audio conversation between the person under the camera and the security officer. However, examiner here asserts that such an audio system is very well known to be used in the field of security access control and therefore, takes official notice (official notice taken) of this well known feature of audio system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to include such an audio system in the invention of Haas for 2-way audio conversation because as discussed before Haas, in the last paragraph of page 10, does describe a possible intervention by the security officer upon failed identification of the Badge and its contents, and adding 2 way-audio system would allow security officer to talk to the person under camera or vice-versa in the situation if the person claims to have a valid badge but the system refuses to recognize, and further adding more security for the security officer in any life threatening situation, where conversation would still be possible.

Claims 8, 9 and 11 have been similarly analyzed and rejected as per claims 1, 39, 42 and 45.

Claim 10 has been similarly analyzed and rejected as per claims 41 and 44.

Claim 12 has been similarly analyzed and rejected as per claims 1 and 39.

Claim 13 has been similarly analyzed and rejected as per claim 40.

Regarding claim 14, claim 14 recites “wherein said access control computer counts the number of badges viewed and the number of persons who gain access” which basically is nothing but logging the persons accessing the door and Haas discloses this logging in (2nd paragraph of page 10 and 2nd paragraph of page 11).

Regarding claim 15, claim 15 recites “a plurality of video cameras are connected to said computer network”. Haas as discussed in the rejection of claims 1 and 39 discloses one camera attached to the automated imaging system where one camera is used for one particular access area. Haas does not expressly teach using multiple cameras. However, examiner here takes official notice (Official Notice Taken) that it is very well known in the art of security and surveillance to use multiple cameras with the security computer system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to add multiple cameras to the Haas system. One would have motivated to add multiple cameras to Haas system keeping in view of the hardware and software available at the time of invention was made and further motivation would be to cover more than one access area using multiple cameras.

Regarding claim 19, Haas teaches said badges and said symbols can be used to reprogram one of: said camera, said badge reading computer, said access control computer, and a combination thereof (page 10, 2nd paragraph - Haas teaches changing the person's security status information in the system when person enters or leaves the area, thus reprogramming the information in the system every time badge is scanned).

Art Unit: 2624


Claims 20-38, 46 and 47 have been similarly analyzed and rejected as per claims 1-19 and 39-45.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manav Seth whose telephone number is (571) 272-7456. The examiner can normally be reached on Monday to Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manav Seth
Art Unit 2624
December 31, 2007


BHAVESH M. MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600